

**APPLICATION FOR PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office MAR 4 1991

Returned to applicant for correction APR 18 1991

Corrected application filed \_\_\_\_\_

Map filed \_\_\_\_\_

The applicant Marshall Earth Resources, Inc.

P.O. Box 888 \_\_\_\_\_, of Virginia City,  
Street and No. or P.O. Box No. City or Town

Nevada 89440, hereby make S application for permission to appropriate the public  
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) December 3, 1979 Reno, Nevada

1. The source of the proposed appropriation is Sky No. 3 adit  
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.05 second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet N/A

3. The water to be used for Dust control, mining and milling  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated N/A

(b) Stockwater, state number and kinds of animals to be watered N/A

(c) Other use (describe fully under "No. 12. Remarks") N/A

(d) Power:

(1) Horsepower developed N/A

(2) Point of return of water to stream N/A

5. The water is to be diverted from its source at the following point The portal of Sky No. 3 adit  
Describe as being within a 40-acre subdivision of public  
is in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 33, T.12N., R.39E., and N.69°34'  
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated. 31" E., 5,322.12 feet from  
the N.  $\frac{1}{4}$  section corner of Section 4, T.11N., R.39E., Mount Diablo  
Meridian Baseline, Nevada.

6. Place of use. The principal use of water will be for dust control where  
Describe by legal subdivision. If on unsurveyed land, it should be so stated.  
needed, mining related uses and eventually for the processing of ore  
at the secondary mill. Dust control on haulage roads are within  
section 33 & 34. of T.12N., R.39E., partly unsurveyed.

7. Use will begin about January 1991 and end about December 31, of each year.  
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) water will be diverted into nearby  
State manner in which water is to be diverted, i.e. diversion structure, ditches and  
drainage stock tank. Any spill off will be absorbed back into the  
flumes, drilled well with pump and motor, etc. ground water.

9. Estimated cost of works \$500.00

10. Estimated time required to construct works One week  
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This water will be needed for the eventual milling of ore at the secondary mill once the complexity of the ore is determined and the amount of water necessary for the recovery process.

By s/Hugh Roy Marshall  
P.O. Box 888  
Virginia City, Nevada 89440

Compared cc/ijs

Protested \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed \_\_\_\_\_ cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before \_\_\_\_\_

Proof of completion of work shall be filed on or before \_\_\_\_\_

Application of water to beneficial use shall be made on or before \_\_\_\_\_

Proof of the application of water to beneficial use shall be filed on or before \_\_\_\_\_

Map in support of proof of beneficial use shall be filed on or before \_\_\_\_\_

Completion of work filed \_\_\_\_\_ IN TESTIMONY WHEREOF, I \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_ State Engineer of Nevada, have hereunto set my hand and the seal of my

Cultural map filed \_\_\_\_\_ office, this \_\_\_\_\_ day of \_\_\_\_\_,

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_ A.D. 19 \_\_\_\_\_

\_\_\_\_\_  
 State Engineer

CANCELLED JUN 18 1991 BECAUSE OF  
 FAILURE TO REFILE CORRECTED APPLICATION  
 WITHIN STATUTORY TIME  
 [Signature]  
 STATE ENGINEER